IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of:

Jonathan S. Stinson

Art Group: 3738

Serial No.:

08/904,467

Examiner: Suzette Jackson

(Prior Appl.)

Serial No.:

(New Application)

Filed:

Atty. Docket: 23,369-129

For:

Process For Making Bioabsorable Self-Expanding Stent

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TRANSMITTAL

Commissioner for Patents Washington, D. C. 20231

Sir:

Enclosed for filing please find the following:

- 1. Request for Divisional Application consisting of 5 pages;
- 2. Copies of the following items from the Original Application:
 - a) Application text;
 - b) Declaration, Power of Attorney and Petition;
 - c) Informal Drawings;
- 3. Formal Drawings (16 sheets);
- 4. Preliminary Amendment, consisting of 8 pages;
- 5. Check in the amount of \$710.00; and
- 6. Return Receipt Post Card.

Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at the address and telephone number indicated below.

Respectfully submitted, Schneider (USA) Inc

Dated: April 25 2001

Frederick W Niebuhr

Frederick W. Niebuhr

Reg. No. 27,717

Larkin, Hoffman, Daly & Lindgren, Ltd.

1500 Wells Fargo Plaza 7900 Xerxes Avenue South Bloomington, Minnesota 55431 Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying papers are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: April 25, 2001

Mailing Label No.: EL416124247US

Geralyn M. Vit

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Express Mail Label No. EL416124247US

Patent Application



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REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents Washington, D. C. 20231

Sir:

This is a request under 37 CFR 1.53(b) for filing a Divisional Application (Divisional) of copending prior application Serial No. 08/904,467, filed August 1, 1997.

A. Copy of Prior Application as filed

I verify that the attached papers are a true copy of what is shown in my records to be the above-identified application as originally filed, including the following items:

specification – 33 pages; claims - 6 pages; abstract - 1 page; informal drawings - 14 sheets; and declaration and power of attorney (signed) -2 pages.

B. Amendments

Cancel in this Application original claims 2-29 of the prior application before calculating the filing fee. A preliminary amendment, accompanying this divisional application, confirms this instruction and also cancels claim 1.

C. Title

1. The title of the original application is:

"Bioabsorbable Self-Expanding Stent"

2. The title of this application is:

"Process for Making Bioabsorbable Self-Expanding Stent"

D. Identification of Inventors

1. The name and correspondence address of each original inventor:

Jonathan S. Stinson 14815 Fourth Avenue North Plymouth, Minnesota 55487

2. Name and current correspondence address of each present inventor:

Jonathan S. Stinson 14815 Fourth Avenue North Plymouth, Minnesota 55487

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application. The inventorship remains the same.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney is enclosed. See item A above.

H. Assignment

An assignment of the original application was recorded in the Patent and Trademark Office August 1, 1997 on Reel 8657 beginning at Frame 0563.

I. Power of Attorney

1. The most recent Power of Attorney in the prior application was filed May 13, 1999, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr Registration No. 27,717 Larkin, Hoffman, Daly & Lindgren, Ltd. 1500 Wells Fargo Plaza 7900 Xerxes Avenue South Bloomington, Minnesota 55431

Telephone No. (952) 896-1574

J. Small Entity Status

Not applicable.

K. Formal Drawings

A copy of sixteen sheets of formal drawings is enclosed.

L. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee (Large entity) \$710.00 Number of independent claims, minus 3 = 0 times \$80.00 0.00 Total number of claims in excess of 20 = 0 times \$18.00

Total Filing Fee

\$710.00

M. Fee Payment

A check in the amount of \$710.00 is enclosed to cover the filing fee.

N. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

- O. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment Not applicable.
- P. Priority 35 U.S.C. 119

Not applicable.

Q. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending application Serial No. 08/904,467 entitled "Bioabsorbable Self-Expanding Stent", filed August 1, 1997.

See Item S below as to copendency.

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

T. Information Disclosure Statement

No information disclosure statement is being filed at this time.

Respectfully submitted, Schneider (USA) Inc

Dated: April 25, 2001

Frederick W. Niebuhr

Reg. No. 27,717

LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

1500 Wells Fargo Plaza 7900 Xerxes Avenue South Bloomington, Minnesota 55431 Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: April 25, 2001

Mailing Label No.: EL416124247US

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LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE REGARDING CERTAIN PATENT MATTERS EFFECTIVE THROUGH: December 31, 1999

I, Paul W. Sandman, as Senior Vice President, Secretary, and General Counsel of Boston Scientific Corporation, the controlling corporation of:

SCIMED Life Systems, Inc., Boston Scientific Corporation Northwest Technology Center, Inc.; Symbiosis Corporation; Meadox Medicals, Inc.; E.P. Technologies, Inc.; Cardiovascular Imaging Systems, Inc.; BSC Technology, Inc.; Boston Scientific Technology, Inc.; SCIMED Technology, Inc.; Meadox Technology, Inc.; Boston Scientific, Limited; Boston Scientific Ireland, Limited; Corvita Corporation; Cardiovascular Innovations Canada, Inc.; Corvita Europe S.A; Corvita Canada, Inc.; Laboratoires Corvita S.A.R.L.; Schneider (Europe) GmbH; Nilo Holding, S.A.; AMS Medinvent S.A.; Schneider Belgium NV; Shiley Ltd.; Schneider Holland BV; Schneider (USA), Inc.; Schneider/NAMIC; Schneider Puerto Rico; NAMIC Eireann Limited; NAMIC International, Inc.; and Schneider Ireland BV,

hereby authorize the following registered patent attorneys/agents (1) to act on behalf of any of the corporations identified above with regard to matters pending before the United States Patent and Trademark Office and (2) to execute power of attorney documents on behalf of any of the corporations identified above to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of any of the corporations identified above in any foreign or international patent applications filed with any foreign and/or international patent offices:

Mark J. Casey	Reg. No. 37,796
David L. Cavanaugh	Reg. No. 36,476
Luke R. Dohmen	Reg. No. 36,783
Peter J. Gafner	Reg. No. 36,517
Patricia LaMarche-Davis	Reg. No. 37,866
(Also known as Patricia Davis or Patricia A. Davis)	•
Todd P. Messal	Reg. No. 42,883
Robert M. Rauker	Reg. No. 40,782
William J. Shaw	Reg. No. 43,111

Paul W. Sandman Senior Vice President, Secretary, and General Counsel

COMMONWEALTH OF MASSACHUSETTS MIDDLESEX COUNTY OF _

On this 25th day of September 1998 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.

NONA E. HURD NOTARY PUBLIC My Commission Expires Oct. 4, 2002